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REMARKS

This submission under 37 C.F.R. 1.114 accompanies Applicants' Request for Continued Examination (RCE) and is in supplemental response to the final Office Action mailed April 7, 2005 and is in response to the Advisory Action mailed July 25, 2005. By this response, claims 1, 7, 12 and 15-16 are amended.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §102. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §102

Claims 1-16

The Examiner has rejected claims 1-16 under 35 U.S.C. §102(b) as being anticipated by Schein et al. (U.S. Patent No. 6,002,394, hereinafter "Schein"). Applicants respectfully traverse the rejection.

Applicants' independent claims 1, 7, 12 and 15-16 recite different aspects of the present invention including the limitation for the terminals to receive group assignment rules from a remote location such as the local insertion center. Specifically, the Applicants' independent claim 1 (and similarly independent claims 7, 12 and 15-16) recites:

1. A method for presenting editorial content items on a display device within the context of an electronic program guide, the electronic program guide operative to display information regarding programming available on a broadcast distribution network, the method comprising:
receiving and storing an editorial content index page and one or more editorial content items at a client device,

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wherein the editorial content index page includes one or more links to the editorial content items;
while the electronic program guide is displayed,
selecting a control to present the editorial content index page on the display device;
recovering and displaying the stored editorial content page;
selecting a link to an editorial content item from the set of one or more links;
tuning the client device to a video-on-demand channel if the editorial content item of the selected link comprises a video item; and
recovering and presenting the editorial content item on the display device. (emphasis added)

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added)).

Schein provides television schedule information to viewers and allows them to link, search, select and interact with information in a remote database. Schein fails to disclose each and every element of the present claims. Specifically, Schein is silent regarding tuning the set top terminal to a VOD channel in order to render the video data if a link includes a video item. Therefore, Schein does not disclose, teach or suggest "tuning the client device to a video-on-demand channel if the editorial content item of the selected link comprises a video item."

As such, the Applicant submits that independent claims 1, 7, 12 and 15-16 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-6, 8-11, and 13-14 depend, either directly or indirectly, from independent claims 1, 7 and 12 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicant submits that these dependent claims fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 8/1/05

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